

Amendments to Civil Service Rules

Approved by the Civil Service Commission July 24, 2003,
Effective Immediately

Rule 2-5 Employment Preference

- **Rule 9-1** Definitions

Rule 2-6 Discipline

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New text is underlined.

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Unchanged subsections indicated by * * *

Amendments to Civil Service Rule 2-5 & 9-1

Approved July 24, 2003, Effective Immediately

2-5 Employment Preference

2-5.1 Application and Protection

- (a) **Application.** Unless otherwise provided in an approved departmental layoff plan, an employee can apply employment preference only within the employee's current (1) principal department or autonomous entity, (2) county of employment, and (3) employee status code. However, an employee cannot apply preference against a position or classification that is protected from the application of employment preference.
- (b) **Limited-term appointments.** An employee is not eligible to exercise employment preference or to be placed on a recall list at the end of a limited-term appointment, unless the employee meets one of the following criteria
- (1) An employee with status gained from an indefinite appointment who accepts or receives a job change to a limited-term appointment may exercise employment preference at the end of the limited-term appointment. Employment preference begins at the last classification level at which the employee achieved status in an indefinite appointment before accepting the limited-term appointment. Employment preference may be exercised only within the principal department or autonomous agency that appointed the employee to the limited-term appointment.
 - (2) A person who is recalled on a limited-term basis is not eligible to exercise employment preference at the end of the limited-term appointment but shall be returned to all recall lists for which the employee is eligible.
- (c) **Protected positions.** An employee occupying a protected position cannot be displaced from the employee's current position by another employee exercising employment preference. An employee in a protected position does not lose the right to apply employment preference to an unprotected position if the employee's protected position is abolished. The following positions are protected positions:
- (1) All positions in senior executive service (SES) classifications, including positions in SES-eligible classifications.
 - (2) All positions in ECP Group 4 classifications.
 - (3) All positions in senior executive management assistant service (SEMAS) classifications.
 - (4) Any other position designated as protected in any other civil service rule or regulation.

Amendments to Rule 2-5 & 9-1, Effective July 24, 2003 (continued)

(d) Departmental layoff plans. The department of civil service may approve a departmental layoff plan that varies the application of employment preference within a department or autonomous agency. An approved departmental layoff plan may vary the application of employment preference in the following areas only:

- (1) The application of county preference based on organizational or geographic limits.
- (2) The application of employment preference between recognized autonomous entities of a principal department.
- (3) The application of employment preference into additional positions in class clusters approved by the appointing authority and the department of civil service.
- (4) The application of employment preference between eligible employee status codes.

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2-5.4 Employee Rights to Apply Preference

An employee may apply preference only against another position within the employee's current (1) principal department or autonomous entity, (2) county of employment, and (3) employee status code, unless otherwise permitted in an approved departmental layoff plan. An employee can apply preference to the least senior position for which eligible in the following order:

- (a) The least senior position in the employee's current classification.
- (b) The least senior position at a lower classification in the current class series or, alternatively, to the same or lower classification in a former class series in which the employee attained status, at the level that will minimize loss of pay.

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9-1 Definitions

Unless the context clearly provides otherwise, the following terms in the civil service rules and regulations are defined as follows:

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Employee Status Code

Employee status code means the following types of appointment status assigned to an employee for the purposes of determining pay, ~~and~~ benefits, and employment preference:

- (a) Full-time indefinite career appointment.
- (b) Part-time indefinite career appointment.
- (c) Limited-term career appointment (full-time and part-time).
- (d) Intermittent career appointment.
- (e) Seasonal career appointment.
- (f) Noncareer appointment.

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Amendments to Civil Service Rule 2-6

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2-6 Discipline

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2-6.4 Suspension for Investigation

An appointing authority may suspend an employee with or without pay for up to 7 calendar days to conduct an investigation. On or before the end of the 7-day suspension, the appointing authority shall (1) reinstate the employee, ~~(2) schedule a disciplinary conference,~~ ~~(23)~~ discipline the employee, or ~~(34)~~ extend the investigative suspension with pay. If the appointing authority extends the investigative suspension, a disciplinary conference is not required, but the appointing authority shall give the employee written notice of the reasons for the extension.

2-6.5 Suspension for Criminal Charges

(a) Suspension. If an employee is charged with a criminal offense, the appointing authority may suspend ~~an~~ the charged employee with or without pay. The appointing authority is not required to hold a presuspension disciplinary conference before imposing the suspension, but shall give the employee written notice of the suspension. However, at the request of the employee, the appointing authority shall meet with the employee to review the suspension.

(b) End of suspension. The suspension may remain in effect ~~while the criminal charges are pending or the appointing authority may schedule a disciplinary conference and impose discipline before the criminal charges are resolved~~ until (1) the appointing authority imposes discipline or (2) the employee gives written notice to the appointing authority of the final resolution of the criminal charges, whichever occurs first. If the employee gives written notice before the appointing authority has imposed discipline, the appointing authority may continue the suspension for up to an additional 7 calendar days to conduct an investigation, as provided in rule 2-6.4.

Amendments to Civil Service Rule 2-7

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2-7 Drug and Alcohol Testing

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2-7.4 Penalties

(a) Classified employees.

- (1) **All employees.** An appointing authority shall impose discipline, up to and including dismissal, for violation of this rule. An appointing authority shall prescribe in its departmental work rules the range of penalties, including any mandatory penalties, for violating this rule.
- (2) **Employee selected for test-designated position.** An employee selected for a test-designated position is prohibited from serving in the test-designated position until the employee has submitted to and passed a preappointment drug test. If the employee fails or refuses to submit to the drug test, interferes with a test procedure, or tampers with a test sample, the following occurs:
 - (A) The employee cannot be appointed, promoted, assigned, recalled, or otherwise placed in the test-designated position.
 - (B) The employee is removed from all applicant pools for test-designated positions and is disqualified from any test-designated position for a period of 3 years.
 - (C) If the employee interferes with a test procedure or tampers with a test sample, the employee may also be disciplined as provided in subsection (a)(1).

(b) New hires.

- (1) **Rescission of conditional offer of employment.** If a person given a conditional offer of employment fails or refuses to submit to the preemployment drug test, interferes with a test procedure, or tampers with a test sample, the conditional offer of employment must be rescinded and the person must not be appointed to the position in the classified service. The person also is removed from all applicant pools and is disqualified from appointment to the classified service for a period of 3 years.

Amendments to Rule 2-7, Effective July 24, 2003 (concluded)

(2) Complaint by applicant. If a person claims that the rescission of the person's conditional appointment as authorized in subsection (b)(1) was contrary to article 11, §5, of the constitution or a civil service rule or regulation, the person may file a complaint with the state personnel director.

(A) A complaint must be filed in writing with the state personnel director within 7 calendar days after the person was given notice of the rescission of the conditional offer of employment.

(B) The director shall review the complaint and issue a decision under procedures authorized for technical complaints in rule 8-3.3 [Technical Complaints: Civil Service Technical Review] and rule 8-4 [Summary Dismissal of Grievance Appeal or Technical Complaint].

(C) If the director determines that the rescission was contrary to article 11, §5, of the constitution or a civil service rule or regulation, the director may order an appropriate remedy, including, but not limited to, reinstating the offer of employment, ordering another drug test, or requalifying the person for appointment to the classified service.

(D) Either the person or the appointing authority may appeal the director's final decision to the civil service commission.

Amendments to Civil Service Rule 5-2

Approved July 24, 2003, Effective Immediately

5-2 Hours of Service

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5-2.3 Voluntary Work Schedule Adjustment Plans

An employee may volunteer to participate in any voluntary work schedule adjustment plan authorized in this rule. The employee's appointing authority has the discretion to approve or disapprove an employee's participation in a plan. If an appointing authority approves an employee's participation, the appointing authority may later rescind or modify its approval, effective at the end of any pay period, by giving advance written notice to the employee. An employee cannot grieve a decision of an appointing authority to disapprove participation in a program or to rescind or modify previous approval.

(a) **Plan A: Biweekly scheduled hours reduction.**

- (1) **Eligibility.** Only full-time employees who have satisfactorily completed ~~their initial probationary period~~ 720 hours of state service are eligible to participate in Plan A.
- (2) **Operation of Plan A.** Under Plan A, an employee may reduce the number of scheduled work hours by 1 to 16 hours per pay period. In addition, for one pay period in a fiscal year, an employee may reduce the number of scheduled work hours by up to 40 hours. Time off under Plan A counts against leave entitlement under the federal Family and Medical Leave Act (FMLA) if the time off is for a qualifying purpose under the FMLA.
- (3) **Group insurance continuation.** An employee's enrollment in state sponsored group insurance plans is unaffected by participation in Plan A.
- (4) **Leave accruals and service credits.** While an employee participates in Plan A:
 - (A) The employee does not incur a break in service as a result of the reduction in hours worked.
 - (B) The employee continues to accrue annual leave and sick leave as though the employee was in approved paid status for 80 hours per pay period.
 - (C) The employee is given state service credit of 80 hours per pay period for purposes of retirement service credit, longevity pay, pay step increases, employment preference, and holiday pay.

Amendments to Rule 5-2, Effective July 24, 2003 (concluded)

(b) Plan C: Leave of absence.

- (1) Eligibility.** Only full-time and part-time employees who have satisfactorily completed their initial probationary period are eligible for Plan C. Permanent-intermittent employees are not eligible.
 - (2) Operation of Plan C.** Under Plan C, an employee may elect to take one unpaid leave of absence during a fiscal year. The length of a Plan C leave of absence must be at least 2 weeks and at most 3 months. Time off under Plan C counts against leave entitlement under the federal Family and Medical Leave Act (FMLA) if the leave is for a qualifying purpose under the FMLA.
 - (3) Insurance.** Except for the long-term disability income protection plan, an employee's enrollment in state sponsored group insurance plans is unaffected by participation in Plan C so long as the employee prepays the employee's share of the premiums for the entire Plan C leave of absence. Long-term disability income protection coverage is not in effect during the leave of absence, but is reinstated after the leave of absence, as provided in the regulations.
 - (4) Leave accruals and service credits.** While an employee is on a Plan C leave of absence:
 - (A)** The employee does not incur a break in service as a result of the Plan C leave of absence but no state service is granted for any purpose for the period of the leave.
 - (B)** The employee's accumulated annual leave and sick leave balances are frozen during a Plan C leave of absence. The employee does not accrue any further leave credits during the period of the leave of absence.
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Amendments to Civil Service Rule 5-11

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5-11 Group Insurance Plans

5-11.1 Types of Group Insurance Plans

(a) **Types of group insurance plans.** The ~~employer~~department of civil service may provide eligible employees with the following group insurance plans as approved by the civil service commission:

- (1) A medical benefit plan.
- (2) A dental benefit plan.
- (3) A vision benefit plan.
- (4) A life insurance plan.
- (5) An accidental death benefit plan.
- (6) A long-term disability income protection plan.

(b) **Recommendations.** The employer, limited recognition organizations, and nonexclusively represented employees may annually recommend changes in the group insurance plans in the coordinated compensation process. The coordinated compensation panel shall make a final recommendation to the civil service commission.

(c) **Action by the commission.** The civil service commission shall review the final recommendation of the coordinated compensation panel and may approve, reject, or modify the recommendation of the coordinated compensation panel.

(d) **Publication.** The ~~employer~~department of civil service or plan provider shall make available to employees documentation describing each group insurance plan approved by the civil service commission.

(e) **Administration.** The department of civil service is responsible for implementing and administering the group insurance plans approved by the civil service commission.

(1) Complaints. The state personnel director shall provide an expedited administrative review of employee complaints regarding group insurance plan coverages, exclusions, and costs. The director's administrative review process is the exclusive procedure for reviewing employee complaints regarding group insurance plan coverages, exclusions, and costs.

Amendments to Rule 5-11, Effective July 24, 2003 (concluded)

(2) **Agreements with other public entities.** The state personnel director may approve agreements with other public entities to permit their employees to participate in group insurance plans administered by the department of civil service if 100 percent of any additional total cost of participation is paid by the participating public entities or their employees.

(f) Other benefits.

- (1) The ~~employer~~department of civil service may establish and administer flexible spending accounts authorized under federal law.
- (2) The ~~employer~~state personnel director may approve and authorize payroll deduction of premiums for other insurance or benefit programs if the employee pays 100 percent of the total cost.

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5-11.3 Costs of Group Insurance Plans

- (a) **Costs.** The ~~employer~~department of civil service shall annually determine the total cost per employee to provide each group insurance plan benefit approved by the civil service commission. During the coordinated compensation process, the employer may propose that the cost of each group insurance plan be paid in part or in whole by an employee.
 - (b) **Costs for part-time employees hired after December 31, 1999.** Notwithstanding any apportionment of costs approved by the civil service commission, an eligible part-time career employee is required to pay one-half of the total cost of the medical, dental, vision, and life insurance plans if (1) the employee has a regular work schedule of less than 50 percent of full-time and (2) the employee was hired into the classified service after December 31, 1999.
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